

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 219, 220, 331, 332, 460, 1050, 1572, 3003.1, 3452, 3453, 4181, 4334, 4370, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 458, 459, 460, 713, 1050, 1570-1572, 3003.1, 3452, 3453, 3950, 3951, 4181, 4334, 4370, 4902, 10500 and 10502 of said Code, proposes to amend sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2003-04 Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2003-04 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Section 360, subsection (a), Deer. Re: A, B, C and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: A, B, C, and D Zone Hunts		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	11,500	8,000-20,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

Section 360, subsection (b), Deer. Re: X-Zone Hunts.

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts Tag Allocations		
Zone	Current	Proposed
X-1	2,780	1,000-6,000
X-2	190	50-500
X-3a	290	150-1,500
X-3b	900	200-3,000
X-4	530	100-1,500
X-5a	115	50-300
X-5b	160	50-800
X-6a	380	100-1,200
X-6b	415	100-1,200
X-7a	290	50-600
X-7b	80	10-200
X-8	550	100-750
X-9a	725	100-1,200
X-9b	300	100-600
X-9c	850	100-1,000
X-10	400	200-600
X-12	1,130	100-1,500

Section 360, subsection (c), Deer. Re: Additional Hunts.

Existing regulations for Hunt G-8 provide for a season on Saturdays, Sundays and federal holidays beginning the second Saturday in October and continuing for four consecutive weekends. As a result of events on September 11, 2001, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October. This proposal will decrease staffing requirements by reducing the season length and overlapping Hunt G-8 with proposed changes for Hunt J-10.

Existing regulations for Hunt G-10 provide for a 72 day season beginning the first Saturday in October; allow hunting by both military and general public; and include various method of take restrictions during the season. As a result of events on September 11, 2001, staffing levels at Camp Pendleton have been reduced, requiring that the season be curtailed; additional security provisions imposed on the base, require restricting hunting access to military personnel only; and special conditions are unclear and require clarification. The proposed change would 1) modify the season to ten consecutive weekends by allowing hunting to occur on Saturdays and Sundays only, thereby reducing staffing requirements; 2) restrict the distribution of tags to military personnel; and 3) the method of

take/season restrictions for hunting with archery equipment or firearms would be clarified, thus eliminating confusion regarding when each method of take is permitted.

Existing regulations for Hunt J-7 provide both a physical description and a cross reference to the zone X-8 area description in subsection 360(b). During the 2002 regulation process, the area description for zone X-8 was modified to provide a clearer boundary description, however the corresponding change was not incorporated into the J-7 area description and an inconsistency exists which may lead to confusion and unnecessarily place hunters at risk of violating hunt area boundaries. The proposed change would modify the Hunt J-7 area description to cross reference the Zone X-8 area description and therefore eliminate any confusion over the hunting boundary.

Existing regulations for Hunt J-10 provide for a season on Saturdays, Sundays and the Columbus Day holiday beginning the last Saturday in September and extending for two consecutive weekends. Due to the shift of calendar dates in 2003, the Columbus Day holiday falls outside of the existing two consecutive weekends, creating an inconsistency in the regulation. In addition, as a result of events on September 11, 2001, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October, thereby reducing staff requirements by aligning seasons for Hunt J-10 and Hunt G-8 and eliminating future discrepancies due to calendar date shifts.

Some minor editorial changes are necessary for consistency in spelling, grammar and clarification.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500-5,000	M-11	20	20-200
G-3	25	25-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	30 Military* 30 Public	60-150 (Military */Public to be determined)	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	380 Military * 100 Public	100-480 Military *	J-7	15	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	20	10-20
G-12	30	25-75	J-9	5	5-10

G-13	300	50-300	J-10	10 Military * 30 Public	10 Military * 30 Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
M-3	25	20-75	J-15	10	5-30
M-4	20	15-50	J-16	75	10-75
M-5	20	15-50	J-17	25	5-25
M-6	80	25-100	J-18	75	10-75
M-7	150	50-150	J-19	25	10-40
M-8	30	20-75	J-20	20	5-20
M-9	20	10-100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense

Section 361. Archery Deer Hunting.

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,500	150-3,000
A-3 (Zone X-1 Archery)	230	50-1,000
A-4 (Zone X-2 Archery)	25	25-200
A-5 (Zone X-3a Archery)	40	25-300
A-6 (Zone X-3b Archery)	100	25-400
A-7 (Zone X-4 Archery)	80	25-400
A-8 (Zone X-5a Archery)	20	15-100
A-9 (Zone X-5b Archery)	20	15-100
A-11 (Zone X-6a Archery)	85	25-300
A-12 (Zone X-6b Archery)	155	25-200
A-13 (Zone X-7a Archery)	45	25-200
A-14 (Zone X-7b Archery)	45	10-100
A-15 (Zone X-8 Archery)	110	25-200
A-16 (Zone X-9a Archery)	175	50-750

A-17 (Zone X-9b Archery)	300	50-600
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	195	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	25	20-75
A-26 (Bass Hill Archery Buck Hunt)	40	25-100
A-27 (Devil's Garden Archery Buck Hunt)	20	10-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-2,000
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300

Section 362. Bighorn Sheep.

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following table reflects the current and proposed Nelson bighorn sheep tag allocations. The proposed number of tags was determined using the procedure described in Fish and Game Code section 4902.

NELSON BIGHORN SHEEP HUNT ZONES	Current 2002 Tag Allocations	Proposed 2003 Tag Allocations
Zone 1 - Marble/Clipper Mountains	3	3
Zone 2 - Kelso Peak/Old Dad Mountains	3	3
Zone 3 - Clark/Kingston Mountain Ranges	2	1
Zone 4 - Orocopia Mountains	1	1
Zone 5 - San Geronio Wilderness	2	0
Zone 6 - Sheep Hole Mountains	1	1
Open Zone Fund-Raising Tag	2	1
TOTALS:	14	10

The number of tags allocated for each of the six hunt zones is based on the results of the Department's 2002 estimate of the bighorn sheep population in each zone. Tags are proposed to be allocated to allow the take of less than 15 percent of the mature rams estimated in each zone. While no tag quota is proposed specifically for hunting Zone 5, the area remains available for the hunter who purchases the Open Zone Fund-Raising Tag.

Section 363. Pronghorn Antelope.

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2003. The

final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for most hunt zones are as set forth below.

§ 363 Pronghorn Antelope Proposed Tag Allocations - 2003						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1	1-10	0-3	3-60	0-20	0	0
Zone 2	1-10	0-3	20-80	0-25	0	0
Zone 3	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5	1-15	0-5	3-150	0-50	0	0
Zone 6	1-5	0	3-20	0-7	0	0
Ash Creek Junior Hunt	N/A		1-10 Either-Sex		0	
Honey Lake Junior Hunt	N/A		1-10 Either-Sex		0	
Fund-Raising Hunt	N/A		1-6 Buck			

Additionally, other minor editorial changes are also proposed for clarity and consistency of the regulations.

Section 364. Elk.

Existing regulations specify three hunt periods for the Fort Hunter Liggett Tule Elk Hunt. The proposed change maintains the total number of tags available for this hunt, eliminates one hunt period, and modifies dates of the remaining two hunt periods.

Existing regulations specify hunt periods for the Grizzly Island Tule Elk Hunt. The proposed change in language causes period three (bull), and periods four and five for the Grizzly Island Tule Elk Hunt to occur one week earlier, only during 2003. The proposed change does not alter the duration of hunt periods at Grizzly Island. It is a cost-effective means of maintaining current elk hunting opportunities, minimizing the restriction of other public uses, and enabling Department staff to accomplish essential physical tasks that prepare the Wildlife Area for waterfowl season.

Existing regulations specify tag quotas for each elk hunt. Proposed changes reduce the quota for the Tinemaha zone in the Owens Valley from 20 antlerless and 6 bull tags to 2 bull tags; increase the quota for the Grizzly Island Tule Elk Hunt from 25 antlerless, 8 spike bull and 4 bull tags to 28 antlerless, 8 spike bull and 4 bull tags; and change the quota for the Fort Hunter Liggett Tule Elk Hunt from 20 antlerless, 4 spike bull and 10 bull tags to 20 antlerless and 14 bull tags.

Minor editorial changes are also proposed to include clarity and consistency of the regulations. Specifically, the proposal deletes reference to awarding tags for the 2002 Fort Hunter Liggett Tule Elk Hunt to persons that were drawn for this hunt when it was cancelled in 2001. The proposal also updates the year from 2002 to 2003, and makes other minor changes to reduce redundancy.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must

be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

Re: Sections 360, 361, 363 and 364: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Re: Section 362: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with other businesses in other states. This proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Date: February 4, 2003

John M. Duffy
Assistant Executive Director